IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

RSA.No.987 of 1985

DATE OF ORDER:

Rattan Singh

...Petitioner(s)

Versus

State of Punjab

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. R.S. Rawat, Advocate.

Mr. Satish Bhanot, Sr. DAG, Punjab.

M.M. AGGARWAL,J

Rattan Singh appellant,who was working as Conductor in Punjab Roadways, Chandigarh had filed suit for declaration challenging order dated 27.4.1978 of removal from service passed by General Manager, Punjab Roadways, Chandigarh.

That suit was decreed by the court of Sub Judge, Ist Class, Chandigarh vide judgment dated 24.12.1982. State of Punjab had filed appeal, which was allowed vide order dated 12.9.1984 by the Additional District Judge. This is regular second appeal against that judgment filed by the State. The law point involved is that as to whether GM, who was in the checking party, could himself mark the inquiry and then pass punishment order especially when there were allegations of instigation that the appellant had instigated the passengers against the General Manager and the passengers misbehaved with the GM and checking party.

According to the appellant, when his bus was allegedly checked up by party including G.M on 15.6.1977, that General Manager could not appoint Inquiry Officer and then impose punishment and that he had been prejudiced. On behalf of the appellant, it was argued that no passenger had been examined by the Inquiry Officer and inquiry was vitiated. It was

argued that when the appellant had instigated the passengers and passengers had misbehaved with GM and checking party then it would have been proper to leave the matter to some higher officer by the General Manager.

General Manager was the appointing and dismissing authority of the appellant. In this case, General Manager had appointed an Inquiry Officer, who had submitted inquiry report and thereafter after following the procedure laid, the impugned order had been made.

When the General Manager was the appointing authority himself and was competent to impose punishment, he could not possibly refer the matter to any other officer. He had appointed Inquiry Officer. It cannot be said that merely because he was in the checking party then there will be prejudice. General Manager did not appear as witness in the inquiry. It cannot be said that the General Manager had influenced that Inquiry Officer.

Under these circumstances, the first Appellate Court was justified in reversing the finding of the trial Court.

There is no merit in the appeal and the same is dismissed.

March 05, 2007 (M.M. AGGARWAL)
manoj JUDGE